

1 E. MARTIN ESTRADA
2 United States Attorney
3 DAVID T. RYAN
4 Assistant United States Attorney
5 Chief, National Security Division
6 JEREMIAH LEVINE (Cal. Bar No. 288377)
7 Assistant United States Attorney
8 Violent and Organized Crime Section
9 REEMA M. EL-AMAMY (Cal. Bar No. 237743)
10 1300 United States Courthouse
11 312 North Spring Street
12 Los Angeles, California 90012
13 Telephone: (213) 894-2400
14 Facsimile: (213) 894-0141
15 E-mail: Jeremiah.Levine@usdoj.gov
16 Reema.El.Amamy@usdoj.gov

17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

22 No. CR 2:24-CR-00570-WLH

23 Plaintiff,

24 STIPULATION AND JOINT REQUEST FOR
25 A PROTECTIVE ORDER REGARDING
26 DISCOVERY CONTAINING PERSONAL
27 IDENTIFYING INFORMATION, MEDICAL
28 INFORMATION, PRIVACY ACT
29 INFORMATION, AND CONFIDENTIAL
30 INFORMANT INFORMATION

31 PROPOSED ORDER FILED SEPARATELY

32 CLAIRE PATRICIA HAVILAND, et
33 al.,
34 CLAIRE PATRICIA HAVILAND (1),
35 BRIAN GLENN EKELUND (2),
36 STEVEN MICHAEL SILVERBERG (5),
37 CORY DANIEL SIMS (7),
38 ROBERT M. SLAYTON (11),
39 MICHAEL VITANZA (12),
40 PAUL JOHN PICHIE (13),
41 GUY MANNING WILLS (15),
42 CHARISSA MARIE CHOTARD (16),
43 JULIE ANN ROMERO (17),
44 CYNTHIA VAN VLYMEN (18),
45 PAGET GARY EKELUND (21),
46 SCOTT JOSHUA VENNUM (22),
47 MICHAEL ANTHONY CHATTERTON
48 (23), CHRISTOPHER CRAIG (25),
49 GABRIELA IBARRA (26),
50 RICHARD KEVIN RILEY (29),
51 ADAM L. RODNEY (32),
52 TARA JANE BECKWITH
53 (36), ALBERT ETHAN EKLUND
54 (42), CIARA JACOBS (44),
55 JAMES ALLEN THAEMERT (51),
56 DAVID MITCHELL SHAPIRO (52),
57 SEAN CRAIG GLUCKMAN (53),

1 CHRISTOPHER MARK PREVEDELLO
2 (56), HENISI UTSLER (59),
3 REBEKA ANNA BENEDICT (60),
4 TANYA NURRIA RESNICK (64),

Defendants.

5 Plaintiff United States of America, by and through its counsel
6 of record, the United States Attorney for the Central District of
7 California and Assistant United States Attorneys Reema El-Amamy and
8 Jeremiah Levine, and defendants CLAIRE PATRICIA HAVILAND (1),
9 BRIAN GLENN EKELUND (2), STEVEN MICHAEL SILVERBERG (5), CORY DANIEL
10 SIMS (7), ROBERT M. SLAYTON (11), MICHAEL VITANZA (12), PAUL JOHN
11 PICHIE (13), GUY MANNING WILLS (15), CHARISSA MARIE CHOTARD (16),
12 JULIE ANN ROMERO (17), CYNTHIA VAN VLYMEN (18), PAGET GARY EKELUND
13 (21), SCOTT JOSHUA VENNUM (22), MICHAEL ANTHONY CHATTERTON (23),
14 CHRISTOPHER CRAIG (25), GABRIELA IBARRA (26), RICHARD KEVIN RILEY
15 (29), ADAM L. RODNEY (32), TARA JANE BECKWITH (36), ALBERT ETHAN
16 EKLUND (42), CIARA JACOBS (44), JAMES ALLEN THAEMERT (51), DAVID
17 MITCHELL SHAPIRO (52), SEAN CRAIG GLUCKMAN (53), CHRISTOPHER MARK
18 PREVEDELLO (56), HENISI UTSLER (59), REBEKA ANNA BENEDICT (60), and
19 TANYA NURRIA RESNICK (64), ("defendants"), by and through their
20 respective counsels of record, (collectively the "parties"), for the
21 reasons set forth below, request that the Court enter the proposed
22 protective order (the "Protective Order") governing the use and
23 dissemination of 1) personal identifying information ("PII") of real
24 persons pursuant to Federal Rule of Criminal Procedure Rule
25 16(d)(1), (2) medical or health information, (3) material that may
26 contain information within the scope of the Privacy Act, and
27 (4) information related to confidential informants and/or
28 cooperating witnesses who may testify at trial.

1 Introduction and Grounds for Protective Order

2 1. Defendants are charged in this matter with violations
3 of 18 U.S.C. § 1962(d): Racketeer Influenced and Corrupt
4 Organizations Conspiracy; 21 U.S.C. § 846: Conspiracy to Distribute
5 and to Possess with Intent to Distribute Controlled Substances; 18
6 U.S.C. § 1349: Conspiracy To Commit Bank Fraud; 18 U.S.C. § 1344:
7 Bank Fraud; 18 U.S.C. § 1028A: Aggravated Identity Theft; 21 U.S.C.
8 §§ 841(a)(1), (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(2): Possession
9 with Intent to Distribute and Distribution of Controlled Substances;
10 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and
11 Ammunition; 18 U.S.C. § 924(c)(1)(A): Possess a Firearm in
12 Furtherance of a Drug Trafficking Crime; 18 U.S.C. § 1029(a)(3):
13 Possession of Fifteen or More Unauthorized Access Devices; 18 U.S.C.
14 § 2(a): Aiding and Abetting.

15 2. A protective order is necessary because the government
16 intends to produce to the defense materials regarding confidential
17 informants or cooperating witnesses who participated in the
18 government's investigation and who may testify at trial. Because
19 these materials could be used to identify the confidential
20 informants or cooperating witnesses, the government believes that
21 the unauthorized dissemination or distribution of the materials may
22 compromise the ability of such persons to participate effectively in
23 future investigations in an undercover capacity and/or may expose
24 him/her to potential safety risks.

25 3. A protective order is also necessary because the
26 government intends to produce to the defense materials containing
27 third parties' PII and medical information. The government believes
28 that disclosure of this information without limitation risks the

1 privacy and security of the information's legitimate owners. The
2 medical information at issue may also be subject to various federal
3 laws protecting the privacy of medical records, including provisions
4 of the Privacy Act, 5 U.S.C. § 552a; provisions of 45 C.F.R.
5 §§ 164.102-164.534; and/or provisions of 42 U.S.C. § 1306. Because
6 the government has an ongoing obligation to protect third parties'
7 PII and medical information, the government cannot produce to
8 defendant an unredacted set of discovery containing this information
9 without the Court entering the Protective Order. Moreover, PII and
10 medical information make up a significant part of the discovery in
11 this case and such information itself, in many instances, has
12 evidentiary value. If the government were to attempt to redact all
13 this information in strict compliance with Federal Rule of Criminal
14 Procedure 49.1, the Central District of California's Local Rules
15 regarding redaction, and the Privacy Policy of the United States
16 Judicial Conference, the defense would receive a set of discovery
17 that would be highly confusing and difficult to understand, and it
18 would be challenging for defense counsel to adequately evaluate the
19 case, provide advice to defendant, or prepare for trial.

20 4. An order is also necessary because the government intends
21 to produce to the defense materials that may contain information
22 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
23 Information"). To the extent that these materials contain Privacy
24 Act Information, an order is necessary to authorize disclosure
25 pursuant to 5 U.S.C. § 552a(b) (11).

26 5. The purpose of the Protective Order is to (a) allow the
27 government to comply with its discovery obligations while protecting
28 this sensitive information from unauthorized dissemination, and

1 (b) provide the defense with sufficient information to adequately
2 represent defendant.

3 Definitions

4 6. The parties agree to the following definitions:

5 a. "CI Materials" includes any information relating to a
6 confidential informant's or cooperating witness's prior history of
7 cooperation with law enforcement, prior criminal history,
8 statements, or any other information that could be used to identify
9 a confidential informant or cooperating witness, such as a name,
10 image, address, date of birth, or unique personal identification
11 number, such as a Social Security number, driver's license number,
12 account number, or telephone number.

13 b. "PII Materials" includes any information that can be
14 used to identify a person, including a name, address, date of birth,
15 Social Security number, driver's license number, telephone number,
16 account number, email address, or personal identification number.

17 c. "Medical Materials" includes any individually
18 identifiable health information that is connected to a patient's
19 name, address, or other identifying number, such as a Social
20 Security number or Medicare/Medi-Cal number.

21 d. "Confidential Information" refers to any document or
22 information containing: CI Materials, PII Materials, or Medical
23 Materials that the government produces to the defense pursuant to
24 this Protective Order and any copies thereof.

25 e. "Defense Team" includes (1) defendant's counsel of
26 record ("defense counsel"); (2) other attorneys who may be consulted
27 regarding the case (including counsel for other parties, and their
28 defense team members, who have been granted access to the

1 Confidential Information); (3) defense investigators who are
2 assisting defense counsel with this case; (4) retained experts or
3 potential experts; and (5) paralegals, legal assistants, and other
4 support staff to defense counsel who are providing assistance on
5 this case. The Defense Team does not include defendant, defendant's
6 family members, or any other associates of defendant.

7 Terms of the Protective Order

8 7. The parties jointly request the Court enter the Protective
9 Order, which will permit the government to produce Confidential
10 Information in a manner that preserves the privacy and security of
11 third parties. The parties agree that the following conditions in
12 the Protective Order will serve these interests:

13 a. The government is authorized to provide defense
14 counsel with Confidential Information marked with the following
15 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
16 ORDER." The government may put that legend on the digital medium
17 (such as DVD or hard drive) or simply label a digital folder on the
18 digital medium to cover the content of that digital folder. The
19 government may also redact any PII contained in the production of
20 Confidential Information.

21 b. If defendant objects to a designation that material
22 contains Confidential Information, the parties shall meet and
23 confer. If the parties cannot reach an agreement regarding
24 defendant's objection, defendant may apply to the Court to have the
25 designation removed.

26 c. Defendant and the Defense Team agree to use the
27 Confidential Information solely to prepare for any pretrial motions,
28 plea negotiations, trial, and sentencing hearing in this case, as

1 well as any appellate and post-conviction proceedings related to
2 this case.

3 d. The Defense Team shall not permit anyone other than
4 the Defense Team to have possession of Confidential Information,
5 including defendant, while outside the presence of the Defense Team.

6 e. Defendants may see and review CI Materials only in
7 the presence of a member of the Defense Team, who shall ensure that
8 defendant is never left alone with any CI Materials. At the
9 conclusion of any meeting with defendant at which defendant is
10 permitted to view CI Materials, defendant must return any CI
11 Materials to the Defense Team, and the member of the Defense Team
12 present shall take all such materials with him or her. Defendant
13 may not take any CI Materials out of the room in which defendant is
14 meeting with the Defense Team.

15 f. Defendant may review PII Materials and Medical
16 Materials only in the presence of a member of the Defense Team, who
17 shall ensure that defendant is never left alone with any PII
18 Materials or Medical Materials. At the conclusion of any meeting
19 with defendant at which defendant is permitted to view PII Materials
20 or Medical Materials, defendant must return any PII Materials or
21 Medical Materials to the Defense Team, and the member of the Defense
22 Team present shall take all such materials with him or her.
23 Defendant may not take any PII Materials or Medical Materials out of
24 the room in which defendant is meeting with the Defense Team.

25 g. Defendant may see and review Confidential Information
26 as permitted by this Protective Order, but defendant may not copy,
27 keep, maintain, or otherwise possess any Confidential Information in
28 this case at any time. Defendant also may not write down or

1 memorialize any data or information contained in the Confidential
2 Information.

3 h. The Defense Team may review Confidential Information
4 with a witness or potential witness in this case, including
5 defendant. A member of the Defense Team must be present whenever
6 any CI Materials are being shown to a witness or potential witness.
7 A member of the Defense Team must be present if PII Materials or
8 Medical Materials are being shown to a witness or potential witness.
9 Before being shown any portion of Confidential Information, however,
10 any witness or potential witness must be informed of the
11 requirements of the Protective Order and a Defense Team member must
12 document such.

13 i. No member of the Defense Team shall permit a witness
14 or potential witness to retain Confidential Information or any notes
15 generated from Confidential Information.

16 j. The Defense Team shall maintain Confidential
17 Information safely and securely, and shall exercise reasonable care
18 in ensuring the confidentiality of those materials by (1) not
19 permitting anyone other than members of the Defense Team, defendant,
20 witnesses, and potential witnesses, as restricted above, to see
21 Confidential Information; (2) not divulging to anyone other than
22 members of the Defense Team, defendant, witnesses, and potential
23 witnesses, the contents of Confidential Information; and (3) not
24 permitting Confidential Information to be outside the Defense Team's
25 offices, homes, vehicles, or personal presence. CI Materials shall
26 not be left unattended in any vehicle.

27 k. To the extent that defendant, the Defense Team,
28 witnesses, or potential witnesses create notes that contain, in

1 whole or in part, Confidential Information, or to the extent that
2 copies are made for authorized use by members of the Defense Team,
3 such notes, copies, or reproductions become Confidential Information
4 subject to the Protective Order and must be handled in accordance
5 with the terms of the Protective Order.

6 1. The Defense Team shall use Confidential Information
7 only for the litigation of this matter and for no other purpose.
8 Litigation of this matter includes any appeal filed by defendant and
9 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
10 event that a party needs to file Confidential Information with the
11 Court, the party seeking to file such information shall redact any
12 Confidential Information and make all reasonable attempts to limit
13 the divulging of Confidential Information.

14 m. The parties agree that any Confidential Information
15 inadvertently produced in the course of discovery prior to entry of
16 the Protective Order shall be subject to the terms of the Protective
17 Order. If Confidential Information was inadvertently produced prior
18 to entry of the Protective Order without being marked "CONFIDENTIAL
19 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
20 shall reproduce the material with the correct designation and notify
21 defense counsel of the error. The Defense Team shall take immediate
22 steps to destroy the unmarked material, including any copies.

23 n. The parties agree that if any Confidential
24 Information contains both CI Materials and another category of
25 Confidential Information, the information shall be handled in
26 accordance with the CI Materials provisions of the Protective Order.

27 o. Confidential Information shall not be used by the
28 defendant or Defense Team, in any way, in any other matter, absent

1 an order by this Court. All materials designated subject to the
2 Protective Order maintained in the Defense Team's files shall remain
3 subject to the Protective Order unless and until such order is
4 modified by this Court. Within 30 days of the conclusion of
5 appellate and post-conviction proceedings, defense counsel shall
6 return CI Materials to the government or certify that such materials
7 have been destroyed. Within 30 days of the conclusion of appellate
8 and post-conviction proceedings, defense counsel shall return all
9 PII Materials or Medical Materials, certify that such materials have
10 been destroyed, or certify that such materials are being kept
11 pursuant to the California Business and Professions Code and the
12 California Rules of Professional Conduct.

13 p. In the event that there is a substitution of counsel
14 prior to when such documents must be returned, new defense counsel
15 must be informed of, and agree in writing to be bound by, the
16 requirements of the Protective Order before the undersigned defense
17 counsel transfers any Confidential Information to the new defense
18 counsel. New defense counsel's written agreement to be bound by the
19 terms of the Protective Order must be returned to the Assistant U.S.
20 Attorney assigned to the case. New defense counsel then will become
21 the Defense Team's custodian of materials designated subject to the
22 Protective Order and shall then become responsible, upon the
23 conclusion of appellate and post-conviction proceedings, for
24 (1) returning to the government, certifying the destruction of, or
25 retaining pursuant to the California Business and Professions Code
26 and the California Rules of Professional Conduct all PII Materials
27 or Medical Materials; and (2) returning to the government or
28 certifying the destruction of all CI Materials.

1 q. Defense counsel agrees to advise defendant and all
2 members of the Defense Team of their obligations under the
3 Protective Order and ensure their agreement to follow the Protective
4 Order, prior to providing defendant and members of the Defense Team
5 with access to any materials subject to the Protective Order.

6 r. Defense Counsel has conferred with defendant
7 regarding this stipulation and the proposed order thereon, and
8 defendant agrees to the terms of the proposed order.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 s. Accordingly, the parties have agreed to request that
2 the Court enter a protective order in the form submitted herewith.

3 IT IS SO STIPULATED.

4 DATED: October 14, 2024

E. MARTIN ESTRADA
United States Attorney

6 MACK E. JENKINS
7 Assistant United States Attorney
Chief, Criminal Division

8 /s/ Jeremiah Levine
9 JEREMIAH LEVINE
10 Assistant United States Attorney

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA

13 DATED: 10/23/24

14 /s/
15 DANIEL A NARDONI
16 Attorney for Defendant
17 CLAIRE PATRICIA HAVILAND

18 DATED: 10/23/24

19 /s/
20 CHRISTY O'CONNOR
21 Attorney for Defendant
22 BRIAN GLENN EKELUND

23 DATED: 10/23/24

24 /s/
25 DANIEL KOFFMANN
26 Attorney for Defendant
27 STEVEN MICHAEL SILVERBERG

28 DATED: 10/23/24

/s/
MELISSA A. WEINBERGER
Attorney for Defendant
CORY DANIEL SIMS

DATED: 10/23/24

/s/
ROBERT KIM SCHWARZ
Attorney for Defendant
ROBERT M. SLAYTON

1
2 DATED: 10/23/24

/s/
MICHAEL M. CRAIN
Attorney for Defendant
MICHAEL VITANZA

3
4
5 DATED: 10/23/24

6
7
8
9 DATED: 10/23/24

/s/
DAVID R. EVANS
Attorney for Defendant
PAUL JOHN PICHIE

10
11
12 DATED: 10/23/24

13
14
15
16 DATED: 10/23/24

/s/
JEREMY D. WARREN
Attorney for Defendant
GUY MANNING WILLS

17
18
19 DATED: 10/17/24

20
21
22
23 DATED: 10/23/24

/s/
RICHARD M. CALLAHAN, JR.
Attorney for Defendant
CHARISSA MARIE CHOTARD

25
26
27 DATED: 10/23/24

/s/
ROBERT H REXRODE, III
Attorney for Defendant
JULIE ANN ROMERO

28
29
30 DATED: 10/23/24

/s/
JOHN TARGOWSKI
Attorney for Defendant
CYNTHIA VAN VLYMEN

31
32
33 DATED: 10/23/24

/s/
ADAM F DOYLE
Attorney for Defendant
PAGET GARY EKELUND

35
36
37 DATED: 10/23/24

/s/
DAVID R. SILLDORF
Attorney for Defendant
SCOTT JOSHUA VENNUM

1 DATED: 10/23/24 _____

/s/
SHEILA SARAH MOJTEHEDI
Attorney for Defendant
MICHAEL ANTHONY CHATTERTON

4 DATED: 10/18/24 _____

/s/
SCOTT ADAM PACTOR
Attorney for Defendant
CHRISTOPHER CRAIG

7 DATED: 10/23/24 _____

/s/
SIMON M AVAL
Attorney for Defendant
GABRIELA IBARRA

11 DATED: 10/23/24 _____

/s/
DAVID J. KALOYANIDES
Attorney for Defendant
RICHARD KEVIN RILEY

14 DATED: 10/23/24 _____

/s/
MICHAEL S EVANS
Attorney for Defendant
ADAM L. RODNEY

18 DATED: 10/23/24 _____

/s/
SHAUN KHOJAYAN
Attorney for Defendant
TARA JANE BECKWITH

22 DATED: 10/18/24 _____

/s/
DEBRA S WHITE
Attorney for Defendant
ALBERT ETHAN EKLUND

25 DATED: 10/23/24 _____

/s/
CARLOS N IRIARTE
Attorney for Defendant
CIARA JACOBS

1 DATED: 10/23/24

2 _____/s/
3 STEPHEN G FRYE
4 Attorney for Defendant
5 JAMES ALLEN THAEMERT

6 DATED: 10/23/24

7 _____/s/
8 MEGAN A. MAITIA
9 Attorney for Defendant
10 DAVID MITCHELL SHAPIRO

11 DATED: 10/23/24

12 _____/s/
13 JEREMY IAN LESSEM
14 Attorney for Defendant
15 SEAN CRAIG GLUCKMAN

16 DATED: 10/23/24

17 _____/s/
18 AMY FAN
19 Attorney for Defendant
20 CHRISTOPHER MARK PREVEDELLO

21 DATED: 10/23/24

22 _____/s/
23 OLIVER P CLEARY
24 Attorney for Defendant
25 HENISI UTSLER

26 DATED: 10/23/24/

27 _____/s/
28 JOHN D. ROBERTSON
Attorney for Defendant
REBEKA ANNA BENEDICT

29 DATED: 10/23/24

30 _____/s/
31 ALAN EISNER
32 Attorney for Defendant
33 TANYA NURRIA RESNICK